

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. M-01/08-41  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the requirement under the VHAP Employer-Sponsored Insurance Premium-Assistance Program (VHAP-ESIA) that requires him to make copayments for certain medical services. The issue is whether the regulations for the program allow coverage for copayments.

## DISCUSSION

Effective October 1, 2007 the petitioner became eligible for the newly-created VHAP-ESIA program, under which individuals, like the petitioner, who are financially eligible for VHAP, but who are covered under a health insurance program through their employers, can receive a subsidy of their premiums and certain copayments. See W.A.M. § 4102.1. The petitioner filed this appeal when he began incurring copayments for medical services that were not covered by VHAP.

Following a hearing in this matter held on February 21, 2008, the Department determined that under VHAP-ESIA, the

petitioner would be eligible to have any medical provider *who accepts Medicaid* bill the Department for any copayment.

Medical providers who do not accept Medicaid would be required to inform the petitioner of this and give him the option to seek the services of another provider who does accept Medicaid.

The regulations do not allow the Department to make any payments of any sort to providers who do not participate in the Medicaid program. See § M154. To the extent that the petitioner has been billed by any provider for any copayments, he should determine whether that provider accepts Medicaid. If so, he should request that the provider bill the Department for any charge not covered by the petitioner's employer-sponsored insurance. If the provider does not accept Medicaid, the petitioner is free to choose another provider. (The petitioner's liability to pay for any service already rendered by any non-Medicaid participating provider may depend on whether that provider informed the petitioner in advance that the provider did not accept Medicaid.)

ORDER

Inasmuch as the Department's position, to date, is in accord with the pertinent regulations, it is affirmed.

3 V.S.A. 3091(d), Fair Hearing Rule No. 17.

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